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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,232	12/14/2000	Scott A. Sirrine	65856-0025	9140

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EXAMINER	
DAY, HERNG DER	

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,232	SIRRINE, SCOTT A.	
	Examiner	Art Unit	
	Herng-der Day	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to Applicant's Amendment ("Amendment") to Office Action dated May 4, 2006, faxed July 5, 2006, and Applicant's RCE to Advisory Action dated August 3, 2006, faxed September 5, 2006.

1-1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 5, 2006, has been entered.

1-2. Claims 12, 13, 15, and 16 have been amended. Claims 1-7 and 9-21 are pending.

1-3. Claims 1-7 and 9-21 have been examined and rejected.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

3-1. Claim 5 recites the limitation "printing results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration" in lines 1-3 of the claim. However, when one of ordinary skill in the art trying to make and/or use the invention,

the "printing results from the determination of the torsional acceleration" step cannot be performed because the torsional acceleration has not been determined unless it is a predetermined constant. In other words, omitting the essential step of "determining a torsional acceleration" amounts to a gap between the steps of claim 1 and claim 5.

3-2. Claim 6 recites the limitation "saving results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration as an image file" in lines 1-3 of the claim. However, when one of ordinary skill in the art trying to make and/or use the invention, the "saving results from the determination of the torsional acceleration" step cannot be performed because the torsional acceleration has not been determined unless it is a predetermined constant. In other words, omitting the essential step of "determining a torsional acceleration" amounts to a gap between the steps of claim 1 and claim 6.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7, 9, 10, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Eaton Corporation (hereinafter "Eaton"), "Eaton Truck Components Bulletin, TRIB-9701", 1997, including the DAA program (The screen captures of DAA program was provided by Applicant on July 14, 2005 in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16,

2005, as "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures" (hereinafter "Screen Captures")).

5-1. Regarding claim 7, Eaton discloses a method of diagnosing and correcting driveline angles and lengths of components of a vehicle driveline, comprising the steps of:

selecting a representative vehicle driveline from a plurality of saved driveline configurations (Screen Captures, on Documentation Entry Screen, page 3, user may load data file; Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to select);

entering measurements of the vehicle driveline into a graphical user interface program (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration);

determining one of a torsional acceleration and an inertia of the vehicle driveline based on the entered measurements of the driveline angles and lengths of the components (Screen Captures, RESULTS on Driveline Dimension Entry Screen, page 4); and

enabling a user to interactively change the entered measurements of the vehicle driveline to determine one of the torsional acceleration and the inertia of the vehicle driveline (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

5-2. Regarding claim 9, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the vehicle driveline (Screen Captures, on Driveline

Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

5-3. Regarding claim 10, Eaton further discloses the step of printing results from the determination (Screen Captures, Report Printout Screen, page 5).

5-4. Regarding claim 18, Eaton further discloses wherein the step of selecting includes comparing a picture of a selectable driveline configuration to the vehicle driveline (Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to compare).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-5, 12-15, 17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton Corporation (hereinafter "Eaton"), "Eaton Truck Components Bulletin, TRIB-9701", 1997, including the DAA program (The screen captures of DAA program was provided by Applicant on July 14, 2005 in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005, as "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures" (hereinafter "Screen Captures")), in view of Creger, U.S. Patent 5,848,371 issued December 8, 1998.

7-1. Regarding claim 1, Eaton discloses a method of determining at least one of a torsional acceleration and an inertia of a vehicle driveline configuration comprising the step of

entering measurements for the vehicle driveline configuration into a graphical user interface program (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration).

Eaton fails to expressly disclose determining an inertia of the vehicle driveline. Nevertheless, Eaton discloses using the Eaton DAA program to determine u-joint acceleration in troubleshooting drivetrain noise and vibration.

Creger discloses a method for determining an estimate of a driveline torque using equations 8-11 (column 6, lines 26-28) because driveline torque is a useful value to monitor in predicting future problems (column 1, lines 13-24). Specifically, as shown in equation 9, driveline inertia is determined by multiplying I_{MN} and ACCELERATION, where I_{MN} is a calculation based on predetermined lumped inertia constants and gear reductions. In other words, the relationship between driveline inertia and ACCELERATION is I_{MN}, which is a calculated constant based on predetermined constants. Creger also discloses the diagnostic controller 110 records or stores the ECM information in a memory for download into an external computer for future analysis (column 2, lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the teachings of Creger to obtain the invention as specified in claim 1 because driveline inertia is proportional to the already determined acceleration (i.e., after acceleration has been determined by the Eaton DAA program

the driveline inertia can be determined by multiplying I_{MN} and the determined acceleration, where I_{MN} is a calculated constant based on predetermined constants as taught by Creger) and driveline torque is a useful value to monitor in predicting future problems as suggested by Creger.

7-2. Regarding claim 2, Eaton further discloses the step of selecting a representative vehicle driveline configuration from a plurality of driveline configurations prior to entering measurements of the vehicle driveline configuration into the graphical user interface program (Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to select).

7-3. Regarding claim 3, Eaton further discloses the graphical user interface program includes a corrective mode for enabling a user to interactively change the entered measurements of the vehicle driveline configuration to determine one of the torsional acceleration and the inertia of the vehicle driveline configuration (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

7-4. Regarding claim 4, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the vehicle driveline configuration (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

7-5. Regarding claim 5, Eaton further discloses the step of printing results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration (Screen Captures, Report Printout Screen, page 5).

7-6. Regarding claim 12, Eaton discloses a method of determining one of a torsional acceleration and a driveline inertia of a desired vehicle driveline configuration, comprising the steps of:

selecting a vehicle driveline configuration from a plurality of driveline configurations (Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to select);

entering measurement data for the desired vehicle driveline configuration (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration);

Eaton fails to expressly disclose determining the driveline inertia of the desired vehicle driveline configuration and displaying a driveline inertia of the desired vehicle driveline configuration. Nevertheless, Eaton's Driveline Dimension Entry Screen provides the capability to display results and Eaton's DAA program has determined the u-joint acceleration in troubleshooting drivetrain noise and vibration.

Creger discloses a method for determining an estimate of a driveline torque using equations 8-11 (column 6, lines 26-28) because driveline torque is a useful value to monitor in predicting future problems (column 1, lines 13-24). Specifically, as shown in equation 9, driveline inertia is determined by multiplying I_{MN} and ACCELERATION, where I_{MN} is a calculation based on predetermined lumped inertia constants and gear reductions. In other

words, the relationship between driveline inertia and ACCELERATION is I_{MN}, which is a calculated constant based on predetermined constants. Creger also discloses the diagnostic controller 110 records or stores the ECM information in a memory for download into an external computer for future analysis (column 2, lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the teachings of Creger to obtain the invention as specified in claim 12 because driveline inertia is proportional to the already determined acceleration (i.e., after acceleration has been determined by the Eaton DAA program the driveline inertia can be determined by multiplying I_{MN} and the determined acceleration, where I_{MN} is a calculated constant based on predetermined constants as taught by Creger) and driveline torque is a useful value to monitor in predicting future problems as suggested by Creger.

7-7. Regarding claim 13, Eaton further discloses the step of enabling a user to interactively change the entered measurements of the desired vehicle driveline configuration to determine the torsional acceleration of the vehicle driveline configuration (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may change the entered measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration and receive the RESULTS of the changed accelerations).

7-8. Regarding claim 14, Eaton further discloses the step of printing a worksheet to aide a user in entering of the measurements for the desired vehicle driveline configuration (Screen Captures, on Driveline Dimension Entry Screen, page 4, user may print a blank entry screen as a worksheet by clicking PRINT (F7) icon).

7-9. Regarding claim 15, Eaton further discloses the step of printing results from the determination of the driveline inertia for the desired vehicle driveline configuration (Screen Captures, Report Printout Screen, page 5).

7-10. Regarding claim 17, Eaton further discloses selecting a representative vehicle driveline from a plurality of saved driveline configurations, wherein the step of selecting includes comparing a picture of a selectable driveline configuration to the vehicle driveline (Screen Captures, on Documentation Entry Screen, page 3, user may load data file; Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to compare and select).

7-11. Regarding claim 19, Creger further discloses wherein the driveline inertia is a drive inertia (a second lumped driveline inertia, column 2, lines 60-61).

7-12. Regarding claim 20, Creger further discloses wherein the driveline inertia is a coast inertia (the lumped driveline inertia, column 3, lines 13-15).

7-13. Regarding claim 21, Eaton further discloses selecting a representative vehicle driveline from a plurality of saved driveline configurations (Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to select).

8. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teaching of Eaton Corporation (hereinafter "Eaton"), "Eaton Truck Components Bulletin, TRIB-9701", 1997, including the DAA program (The screen captures of DAA program was provided by Applicant on July 14, 2005 in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005, as "DOS-Based Driveline Angle Analyzer (DAA) Screen

Captures" (hereinafter "Screen Captures")), and Creger, U.S. Patent 5,848,371 issued December 8, 1998.

8-1. Regarding claim 6, Eaton discloses a method of determining at least one of a torsional acceleration and an inertia of a vehicle driveline configuration in claim 1. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to expressly disclose the step of saving results from the determination of one of the torsional acceleration and the inertia for the vehicle driveline configuration as an image file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 6 because saving a screen as an image file is only one of many well known saving file options.

8-2. Regarding claim 16, Eaton discloses a method of determining one of a torsional acceleration and a driveline inertia of a desired vehicle driveline configuration in claim 12. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to expressly disclose the step of saving results from the determination of the driveline inertia for the vehicle driveline configuration as an image file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 16 because saving a screen as an image file is only one of many well known saving file options.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eaton Corporation, "Eaton Truck Components Bulletin, TRIB-9701", 1997, including the DAA program (The screen captures of DAA program was provided by Applicant on July 14, 2005 in response to Requirement for Information - 37 C.F.R. §1.105, dated May 16, 2005, as "DOS-Based Driveline Angle Analyzer (DAA) Screen Captures").

9-1. Regarding claim 11, Eaton discloses a method of diagnosing and correcting driveline angles and lengths of components of a vehicle driveline in claim 7. Eaton also discloses a Driveline Dimension Entry Screen at page 4 including RESULTS of acceleration values and a SAVE (F1) icon.

Eaton fails to expressly disclose the step of saving results from the determination as an image file. However, saving a screen as an image file is well known to one of ordinary skill in the relevant art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Eaton to incorporate the well known method of saving as an image file to obtain the invention as specified in claim 11 because saving a screen as an image file is only one of many well known saving file options.

Applicant's Arguments

10. Applicant argues the following:

10-1. Claim Rejections - 35 U.S.C. § 112

(1) "Applicant has amended independent claim 12 to require the step of 'determining a driveline inertia'." (Page 7/12, paragraph 2, Amendment).

10-2. Claim Rejections - 35 U.S.C. § 102

(2) "Independent claim 7 positively recites "selecting a representative vehicle driveline from a plurality of saved driveline configurations." In contrast, SCREEN CAPTURES does not teach selecting a representative driveline. Thus, SCREEN CAPTURES does not teach every limitation of independent claim 7, as required in In re Spada." (Page 8/12, paragraph 2, Amendment).

(3) "claim 3 recites "wherein the graphical user interface program includes a corrective mode. " These teachings are not taught in the prior art of record." (Page 8/12, paragraph 3, Amendment).

10-3. Claim Rejections - 35 U.S.C. § 103

(4) "Independent claim 1 positively recites "entering measurements for the vehicle driveline configuration into a graphical user interface program." In contrast, neither SCREEN CAPTURES or Creger teach entering measurements into a graphical user interface program, nor has the Examiner alleged that this limitation is taught in SCREEN CAPTURES or Creger." (Page 8/12, paragraph 6, Amendment).

(5) "Independent claim 12 recites, "displaying a driveline inertia of the desired vehicle driveline configuration." In contrast, neither SCREEN CAPTURES or Creger teach displaying a

driveline inertia, nor has the Examiner alleged that this limitation is taught in SCREEN CAPTURES or Creger. Indeed, the Examiner has not alleged that SCREEN CAPTURES or Creger are capable of calculating a driveline inertia." (Page 9/12, paragraph 2, Amendment).

(6) "the Examiner has not alleged that one of skill would use the torsional acceleration and torque as inputs within a common program, or that one could be a possible input for a program that calculates the other." (Page 10/12, paragraph 1, Amendment).

(7) "the inadequacy of SCREEN CAPTURES to teach every element of independent claim 7 is also fatal to the Examiners §103 rejection of dependent claim 11. As detailed above, SCREEN CAPTURES does not teach every limitation of dependent claim 7, as required in In re Royka, and accordingly, dependent claim 11 is patentable by being dependent on an allowable base claim." (Page 10/12, paragraph 6, Amendment).

(8) "Furthermore, dependent claim 11 includes the limitation that the results are saved "as an image file." SCREEN CAPTURES makes no mention of saving as an image file." (Page 11/12, paragraph 1, Amendment).

Response to Arguments

11. Applicant's arguments have been fully considered.

11-1. Applicant's argument (1) is persuasive. The rejections of claims 12-16 and 19-21 under 35 U.S.C. 112, second paragraph, in Office Action dated May 4, 2006, have been withdrawn.

11-2. Applicant's arguments (2) and (7) are not persuasive. Reference to Screen Captures at page 3, on the Documentation Entry Screen, user may load data file including information regarding, for example, main driveline series, interaxle driveline series, etc. Furthermore,

reference to Eaton, for example, three vehicle driveline configurations have been disclosed in the last two pages of Eaton Bulletin for user to select.

11-3. Applicant's argument (3) is not persuasive. Reference to Screen Captures at page 4, on the Driveline Dimension Entry Screen, the user may enter values and/or select options without restrictions and also display the results. Therefore, as a matter of fact, it anticipates the recited enabling step as in a corrective mode.

11-4. Applicant's argument (4) is not persuasive. Reference to Screen Captures at page 4, on the Driveline Dimension Entry Screen, the user may enter the measurements, e.g., ANGLE, PHASE, LENGTH, or AIR BAG HEIGHT, of the vehicle driveline configuration.

11-5. Applicant's argument (5) is not persuasive. In response to Applicant's argument (4) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The argued limitation is obvious by the combined teachings of Eaton (including Screen Captures) and Creger as detailed in item **7-6** above.

11-6. Applicant's argument (6) is not persuasive. One of ordinary skill in the art at the time the invention was made would like to modify the teachings of Eaton to incorporate the teachings of Creger because driveline inertia is proportional to the already determined acceleration (i.e., after acceleration has been determined by the Eaton DAA program the driveline inertia can be determined by multiplying I_{MN} and the determined acceleration, where I_{MN} is a calculated constant based on predetermined constants as taught by Creger) and driveline torque is a useful value to monitor in predicting future problems as suggested by Creger. In other words, the

motivation to combine is that a useful value to monitor (e.g., driveline torque) in predicting future problems of a powertrain system is ready to be determined after the Eaton DAA program has determined the acceleration.

11-7. Applicant's argument (8) is not persuasive. In response to Applicant's argument (8) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The argued limitation is obvious by the combined teachings of Eaton (including Screen Captures) and the well-known knowledge of persons of ordinary skill in the relevant art as detailed in item **9-1** above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Phillips et al., "A PC-based Vehicle Powertrain Simulation for Fuel Economy and Performance Studies", International Journal of Vehicle Design, Vol. 10, No. 6, 1989, pages 639-658, is cited as disclosing a menu-driven simulation program called VPS.

Reference to Rubin et al., "Development of the Automotive Research Center (ARC) Powertrain System Dynamic Models", ICE-Vol. 28-1, 1997 Spring Technical Conference, Paper No. 97-ICE-10, 1997, pages 79-85, is cited as disclosing a powertrain simulation tool using MATLAB/SIMULINK software and graphical user interface.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day
September 16, 2006 H.D.

FRED FERRIS
PRIMARY EXAMINER
TC 2100